IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Crl.Rev.Pet.No. 1459 of 2007()

CRL. M.P. NO. 633/06 IN CRA.79/2007 of SESSIONS COURT, ERNAKULAM
CC.553/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

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REVN. PETITIONER: APPELLANT/5TH ACCUSED

K.D.XAVIER, S/O.K.K.DANIEL, AGED 53
YEARS, R/AT KALARIKKAL HOUSE, KOCHUPALLY ROAD,
THOPPUMPADY, KOCHI - 682 005.

BY ADV. SRI.TOM JOSE
SMT.GEETHA JOB(OZHUKAYIL)
SMT.P.KRISHNAPRIYA
SMT.P.PADMAPRIYA

RESPONDENTS: RESPONDENTS/COMPLAINANTS/ACCUSED 1,2,3,4,6 & 7

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1. MR.K.F.PETER, S/O.FRANCIS,
KURISINGAL HOUSE, PALLURUTHY,
KOCHI - 682 006.

2. THE PEOPLES' AID BANKERS, REP. BY ITS
MANAGING PARTNER MR.K.D.KITHO, S/O.DANIEL,
KALARIKKAL HOUSE, KOCHUPPALLY ROAD,
THOPPUMPADY, KOCHI - 682 005.

3. MR.K.D.KITHO, S/O.DANIEL, MANAGING
PARTNER, THE PEOPLES' AID BANKERS,
KALARIKKAL HOUSE, KOCHUPALLY ROAD,
THOPPUMPADY, KOCHI - 682 005.

4. MR.K.D.STANLY, S/O.DANIEL, KALARIKKAL
HOUSE, KOCHUPPALLY ROAD, THOPPUMPADY,
KOCHI - 682 005.

5. MR.K.D.JOHN, S/O.DANIEL, KALARIKKAL HOUSE, KOCHUPALLY ROAD, THOPPUMPADY, KOCHI - 682 005.

6. MR.K.D.KUNJAPPU, S/O.DANIEL, KALARIKKAL HOUSE, KOCHUPALLY ROAD, THOPPUMPADY, KOCHI - 682 005.

7. MR.K.D.SEBASTIAN, S/O.DANIEL, KALARIKKAL HOUSE, KOCHUPALLY ROAD, THOPPUMPADY, KOCHI - 682 005.

8. STATE OF KERALA, R/BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR for R8

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1459 OF 2007

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Dated this the 3rd day of April 2007

O R D E R

The revision petitioner, who is one of the accused in C.C. No.553/2003 of Judicial First Class Magistrate Court II, Kochi with respect to the offence under section 138 of the Negotiable Instruments Act, has sought for modification of the order of the court below directing him to deposit a sum of Rs.50,000/- as condition precedent for suspending the sentence. It is submitted that he is not an active partner in the 1st accused-firm. He has also produced the judgment in the similar matter against him and other partners wherein he has been acquitted. It is also submitted that he is not in a position to remit that much of amount.

2. In the circumstances, the above condition in the order of the appellate court is modified to the effect that he shall deposit Rs.10,000/- within one month from today onwards and on executing bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the court below.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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